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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JOSEPH E. PASCENTE, ET AL.
Serial No: 08/526,433
Filed: September 11, 1995
Title:
METHOD OF PREVENTING
COMBUSTION BY APPLYING
AN AQUEOUS SUPERABSORBENT
POLYMER COMPOSITION; AND FIRE
RETARDANT ARTICLE INCLUDING
SUPERABSORBENT POLYMER

Group Art Unit: 1300

Examiner: James J. Bell

Attorney Docket No. 28216/10018

) I hereby certify that
) this paper is being
) deposited with the United
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) envelope addressed to:
) Assistant Commissioner
) for Patents, Washington,
) DC 20231 on

April 4th, 1997

Richard H. Anderson
Reg. No. 26,526

Assistant Commissioner For Patents
Washington, DC 20231

Sir:

DECLARATION OF JOSEPH E. PASCENTE
UNDER 37 C.F.R. § 1.131

Joseph E. Pascente hereby states as follows:

1. I am the first named inventor of the invention described and claimed in the above-identified application.
2. The following facts and attached exhibits show that the invention of the elected claims was completed, in this country, prior to the publication date of the cited Canadian Patent No. 2,134,130.
3. Attached as Exhibit A is a copy of a one-page confidential document faxed to Larry Washow, President of Chemdal Corporation, a manufacturer of polyacrylate

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superabsorbent (SA) polymers, describing and illustrating the invention disclosed and claimed in the above-identified application. The date of the Exhibit A document has been deleted, but is prior to April 26, 1995, the publication date of the Brückner Canadian Patent No. 2,134,130.

4. As indicated in Exhibit A, I experimented with polymeric superabsorbent (SA) material, using the material outside of its intended use - in accordance with the claimed invention.

5. Exhibit B is a single page of my notes, from my personal laboratory notebook, on an experiment conducted prior to April 26, 1995. While Exhibit B is not dated, it is located in my laboratory notebook prior to the entry of Exhibit C, which is dated prior to April 26, 1995 and, therefore, also was written prior to April 26, 1995. As shown in Exhibit B, a polyacrylate superabsorbent polymer (SA) was slurried with water and applied to (1) a wooden 2" x 4" board, and (2) a paper sheet applied over a wooden 2" x 4" board. These materials, after covering with the SA slurry and subjected to a blow torch, did not burn after a two-minute period.

6. Exhibit C is a copy of another page from my personal laboratory notebook that is dated prior to April 26, 1995. The date has been deleted from the upper left hand corner of Exhibit C. As shown in Exhibit C, superabsorbent polymer (SAP) was mixed with water and applied over 2 foot

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long 2" x 4" boards - one dry and three others pretreated with flammable solvents. The SAP slurry-covered boards then were subjected to a blow torch to determine the burn retardance caused by the SAP water slurry. The slurry retarded the burn of each 2" x 4" board to different degrees.

7. Exhibit D comprises copies of eight consecutive pages from my personal laboratory notebook, the last page of which is dated prior to April 26, 1995 (the date has been deleted). While the first seven pages of Exhibit D are not dated, the data of pages 1-7 of Exhibit D were entered prior to the date of the last page of Exhibit D, which is dated prior to April 26, 1995. Exhibit D shows burn experiments of 2" x 4" boards covered with superabsorbent polymer (SA) water slurries from five different manufacturers. As shown at page 1 of Exhibit D, a thermocouple was disposed on top of the 2" x 4" boards, and the boards and thermocouple were covered with a slurry of the SA and water prior to subjecting the slurry to a blow torch. The thermocouple showed only 38°C after application of the blow torch for two minutes (120 seconds).

8. As shown at page 2 of Exhibit D, slurries were prepared with varied percentages of SA (1-15% by weight SA) to determine the time required for each slurry to rise 2°C in temperature when subjected to heat. As shown, the higher SA% slurries required a longer time to rise in temperature.

9. Page 5 of Exhibit D is an experiment with a SA/water slurry in a seltzer water fire extinguisher used to

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extinguish a flame in a coffee can - the fire was extinguished immediately.

10. Page 7 of Exhibit D shows that an SA/water slurry will extinguish burning charcoal.

11. Page 8 of Exhibit D, dated prior to April 26, 1995 (date deleted) shows a 5% by weight SA gel in water in a fire extinguisher pressurized to 80 psi to determine the stability of the gel with time left standing.

12. The acts described above in paragraphs 4-11 were carried out in the United States, in Downers Grove, Illinois and Oak Brook, Illinois.

13. The above facts establish my prior completion of the elected invention disclosed and claimed in the above-identified application prior to the earliest publication date of the Brückner Canadian Patent No. 2,134,130.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

April 3 1997
Date

Joseph E. Pascente
Joseph E. Pascente